



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

& *Receiver General*, 209 Mass. 373, 95 N. E. 851; *Matter of Cruger*, 54 App. Div. 405, 66 N. Y. Supp. 636, aff'd, 166 N. Y. 602, 59 N. E. 1121. It may be argued that the construction of the statute in the last-cited cases was unsound. See *Matter of Keeney*, 194 N. Y. 281, 286-287, 87 N. E. 428, 429. But if these cases are to be followed, *Matter of Wing* seems wrong, for it is obviously immaterial, under the statute, whether the gift by its terms takes effect "at" or "after" the donor's death.

TRUSTS — CONSTRUCTIVE TRUST — RIGHT OF ASSIGNEE OF FRAUDULENT GRANTEE, WITH NOTICE, TO EQUITABLE RELIEF. — The plaintiff took an assignment of E's rights as entryman upon public lands, with knowledge of E's fraud in obtaining those rights. The government not having set aside the entry during the statutory two-year period, nor contested it judicially thereafter, the plaintiff asserts his legal right to a patent, giving him title (1918 U. S. COMP. STAT. § 5113), and seeks to have a constructive trust imposed upon the defendant, to whom in the meantime the patent had been improperly issued. The latter resists on the ground that the plaintiff does not come into equity with clean hands. *Held*, that the trust be imposed, and that the defendant convey to the plaintiff. *Everett v. Wallin*, 184 N. W. 958 (Minn.).

For a discussion of the principles involved, see NOTES, *supra*, p. 754.

## BOOK REVIEWS

OUTLINES OF HISTORICAL JURISPRUDENCE. By Sir Paul Vinogradoff. Volume I. Introduction: Tribal Law. New York: Oxford University Press. 1920. pp. ix, 428.

Historical jurisprudence is a creature of the nineteenth century, which in law as in everything else is the "century of history." In the eighteenth century all writing and thinking about law presupposed philosophy. In the nineteenth century, more and more they came to rest on history, until the historical school became dominant in jurisprudence almost everywhere. Moreover the legal history of the last century had a different purpose from that of the past. The sketch of Roman legal history by Pomponius in the Digest is no more than a preface to a dogmatic outline of the law. The preface with which Gaius begins his exposition of the Twelve Tables expressly justifies a preliminary historical survey on rhetorical and philosophical grounds. Rhetorically an exordium was demanded. Philosophically the ideal exposition must include history because a thing is perfect only when complete in all its parts and the beginning is an essential part. The legal history of Cujas was a Humanist reconstruction of classical antiquity, not an attempt to find universal principles or even general principles by means of history and make them the basis of a theory of the nature or the authority or the development of law. The historical research of Conring sought only the negative result of removing the basis of authority on which law had rested, in order that it might rest for the future upon a philosophical foundation. English writing of legal history before the nineteenth century had the immediate practical purpose of demonstrating the immemorial antiquity of the common law as the custom of Englishmen and thus setting up a basis of authority for the legal order. Fortescue sought to show that England had been governed by the same customs since pre-Roman Britain. Coke sought to make out the case of the common-law courts against the Stuart kings by finding the immemorial common-law rights of Englishmen, merely declared by Magna Charta, by a long succession of statutes, and by a long and continuous succession of judicial decisions. Hale also begins with the propo-